

Ex-Linebacker Sues NFL Retirement Plan Over Benefits

By **Mike Curley**

Law360 (June 3, 2019, 3:23 PM EDT) -- A former linebacker is suing the National Football League and the NFL Players Association in New York federal court, saying the administrators of the players' retirement plan hid information from him and refused to let him change his plan after he realized he was receiving the wrong set of benefits.

Andre Royal, who played five seasons for the Carolina Panthers and Indianapolis Colts, said the board of the Bert Bell/Pete Rozelle NFL Player Retirement Plan refused to give him a copy of the retirement plan when he applied for benefits after leaving the league, causing him to apply for the wrong classification for his injuries.

Under the NFL's retirement plan, there are different levels of benefits based on when the injuries occurred and when they began to manifest. According to Friday's complaint, Royal exhibited symptoms of repeated head injury, including seizures, headaches, confusion and incontinence as a result of head injuries during his playing days.

Royal said that because of the lack of information, he classified himself in a category for players with disabilities manifesting after they leave the league.

"A man suffering from a debilitating brain conditions manifesting in severe grand mal seizures, was taken advantage of by the defendants and not provided the very important and relevant information needed to apply for disability benefits to ensure that the disabilities he received while being an active NFL player were compensated for," Royal said in the complaint.

In addition, he claimed that while plan documents given to players advise they are entitled to retain an attorney, it discourages them from doing so by telling players "many attorneys demand a significant portion of your disability benefits just to file the initial application."

After Royal realized he was in the wrong category, he applied to the retirement plan's board to be reclassified, but the board refused, saying the documents he provided did not show "clear and convincing evidence" that he qualified for the new category.

According to the complaint, the plan's management refused to provide Royal with definitions for the terms used in the plans and application and, by doing so, undercut his ability to seek reclassification because he relied on those terms' plain meanings, unaware they had a more specific, narrow meaning in the plan.

He further claimed that despite requesting it repeatedly for several years, he did not receive a copy of the plan he had applied for until 2016, after the board made its final decision denying his request for reclassification.

In the suit, Royal is seeking a declaration that the plan breached its duties to him and that he obtain the correct classification under the plan and receive the benefits he says he should have had from the start.

The retirement plan is also facing **a suit in Florida**, in which another former player claims the plan is

wrongfully trying to claw back \$831,000 in disability benefits by putting him in the wrong disability category.

Representatives for the NFL, NFL Players Association, the retirement plan and Royal could not immediately be reached for comment Monday.

Royal is represented by Robert C. Hilliard of Hilliard Martinez Gonzales LLP and Ben Crump of Ben Crump Law PLLC.

Counsel information for the NFL, the NFLPA and the retirement plan was not available.

The case is Royal v. National Football League Management Council et al., case number 1:19-cv-05164, in the U.S. District Court for the Southern District of New York.

--Editing by Alyssa Miller.